

REGULAR MEETING

CITY COMMISSION

HARLINGEN, TEXAS

June 19, 2019

A Regular Meeting of the Harlingen Elective Commission was held Tuesday, June 19, 2019 at 5:30 p.m., City Hall, Town Hall Meeting Room, 2<sup>nd</sup> Floor, 118 E. Tyler Street, Harlingen, Texas. Those in attendance were:

MAYOR and COMMISSIONERS

Chris Boswell, Mayor  
Michael Mezmar, Mayor Pro-Tem, District 3  
Richard Uribe, City Commissioner, District 1  
Frank Puente, City Commissioner, District 2  
Victor Leal, City Commissioner, District 5

ABSENT

Ruben De La Rosa, City Commissioner, District 4

STAFF PRESENT

Dan Serna, City Manager  
Amanda C. Elizondo, City Secretary  
Allison Bastian, Asst. City Attorney

Mayor Boswell called the meeting to order and announced the meeting was duly posted according to state law. The following proceedings were held:

Invocation/City Commissioner, Victor Leal

Pledge of Allegiance/Welcome

1) Approval of Minutes

a) Regular Meeting of April 3, 2019

Motion was made by Commissioner Puente and seconded by Commissioner Uribe to approve the minutes of April 3, 2019. Motion carried unanimously.

CONSENT AGENDA

2a) Consideration and possible action to approve a request from Robert Saenz, Harlingen High School South Asst. Principal of Student Activities to close the following streets, Thursday, September 19, 2019 from 6:15 p.m. to 7:15 p.m. for the Annual Homecoming Parade and Bonfire.

- Bothwell and Dixieland (blocking southbound traffic at Dixieland)
- Ailani Circle (North and South at Dixieland)
- Haverford at Dixieland
- Adrian (East and West) at Dixieland
- Topaz and Dixieland
- Garrett (East and West at Dixieland)

b) Consideration and possible action to approve a request from the Harlingen Convention and Visitors Bureau to close Fair Park Blvd. between North "J" Street and North "L" Street and North "L" Street to West Adams Avenue from 12:00 p.m. to 11:30 p.m., Wednesday, July 3, 2019 for the Freedom Fest Celebration Event.

c) Consideration and possible action to approve the Texas Main Street Locally Designated Program 2019 Contract and Trademark Sublicense Agreement as an annual requirement for the Downtown Harlingen to continue its partnership with the Texas Main Street Program and authorize the City Manager to sign the contract and Sublicense Agreement.

d) Consideration and possible action to approve a resolution accepting Valley International Airport's amended Mid-Year Budget for Fiscal Year 2018-2019.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the items under the Consent Agenda Items (a thru d). Motion carried unanimously.

3) Presentation by Scott Gibbs, Consultant with McGriff, Seibels and Williams regarding the Voluntary Dental Plan; UNUM Life Insurance Plan and Employees Health & Group Insurance.



Scott Gibbs, Senior Vice President with McGriff, Seibels and Williams presented a power point presentation on the City's Health Plan History and stated the current carriers were Blue Cross Blue Shield. He highlighted the following information.

- Loss Ratio from October 1, to April 30<sup>th</sup>, 2019 was 81.4%;
  - Total Paid Claims - \$2,994,872
  - Total Paid Premium - \$3,681,612
- Loss Ratio Oct. 1, 2017 to Sept. 30, 2018 was 73.6%
  - Total Paid Claims - \$4,725,321
  - Total Paid Premium -\$6,425,302
- Carrier desired loss ratio is 88%
- Initial renewal was 8.9%, BCBS lowered to 4.4% (-\$282,992)
- April Loss Ratio 102.4% (1 Premature Birth)

Mr. Gibbs highlighted the Health Plan Renewal History for the past for years and the costs for each of the plans for employee, employee's spouse and children, and employee and family. Mr. Gibbs recommended renewing the current plan with Blue Cross/Blue Shield with an increase of 4.4% and the renewal of the dental and Life/AD&D/LTD Plans at no additional cost.

- 4) Consideration and possible action to renew the Voluntary Dental Plan for the City of Harlingen Employees for Fiscal Year 2019-2020 with an option to renew the contract for Fiscal Year 2020-2021 and authorize the City Manager to sign the contract.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to renew the contract for Dental Plan for Fiscal Year 2019-2020 with an option to renew the contract for Fiscal Year 2020-2021 and authorize the City Manager to sign the contract. Motion carried unanimously.

- 5) Consideration and possible action to renew the UNUM Life Insurance Plan for the City of Harlingen Employees for Fiscal Year 2019-2020 with an option to renew the contract for Fiscal Year 2019-2021 and authorize the City Manager to sign the contract.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to renew the UNUM Life Insurance Plan for the City of Harlingen Employees for Fiscal Year 2019-2020 with an option to renew the contract for Fiscal Year 2019-2021 and authorize the City Manager to sign the contract. Motion carried unanimously.

- 6) Consideration and possible action to renew the Employees Health & Group Insurance for Fiscal Year 2019-2020 with an option to renew the contract for Fiscal Year 2019-2021, naming the insurance agents and authorize the City Manager to sign the contract.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to renew the Employees Health & Group Insurance for Fiscal Year 2019-2020 with an option to renew the contract for Fiscal Year 2019-2021 naming the agents, Aaron Thorburn, Partner, Vice President with Shepard, Walton, Insurance Agency, Inc. and Albert Salinas with Texas Insurance Service Center, Inc. and authorize the City Manager to sign the contract. Motion carried unanimously.

- 7) Consideration and possible action to accept (or reject) bids and award the contract for the Rangerville Park Basketball Court Project under Bid No. 2019-08 to the lowest responsible bidder and to waive any informalities.

Tammy Jackson, Community Development Director, stated the City received five (5) Rangerville Park Basketball Court Project Friday, May 31, 2019. The construction will include the engineering, design, and construction of a post tension slab for a standard full-size basketball court and will be funded through the CDBG Program and the Parks Dept. General Fund. Staff has reviewed the bids and is recommending award of contract to the lowest responsible bidder, Teni-Trak, Inc; and to waive any informality provided the documentation is submitted.

Motion was made by Mayor Pro-Tem and seconded by Commissioner Puente to accept the bid and award the contract to Teni-Trak, Inc. for the Rangerville Park Basketball Court Project under Bid No. 2019-08 and waive any informality. Motion carried unanimously.

- 8) Public hearing to consider an ordinance on first reading for a Specific Use Permit (SUP) to allow an open air vehicle storage business in a General Retail (GR) District located at 5959 W. Business 83, bearing a legal description of Lot 1, Block 1 of Madero Subdivision. Applicant: Arnulfo Rodriguez.



Gabriel Gonzalez, Asst. City Manager, stated Mr. Arnulfo Rodriguez, applicant is requesting a Specific Use Permit (SUP) for a vehicle storage business. The property is located on the south side of W. Business 83, approximately 350 feet east of Dilworth Road and has 170.29 ft. of frontage along W. Business 83 with a maximum depth of 478.74 ft. The adjacent zoning is General (GR) District to the north, east, and west, and Single Family Residential (R1) District to the south. The surrounding land uses include general commercial and vacant land. The Zoning Ordinance, Sec. 111-62., requires a SUP for an open air business in a General (GR) District. The property owner was contacted by the Code Compliance Department and notified him that a SUP and a building permit are required for this type of activity, but Mr. Rodriguez had already done the work without the required permits. A building permit application has not yet been submitted by Mr. Rodriguez and he will be required to submit plans/drawings for review by the Building Inspections, Engineering, and Fire Prevention Bureau. No opposition was received from the surrounding property owners. In accordance with the zoning ordinance, the Planning and Zoning and City Commission may impose requirements and conditions of approval as needed to ensure it is compatible and complementary to the adjacent properties.

Discussion was held regarding the use of the proposed property and Mr. Gonzalez responded it would be for storing commercial or recreational vehicles. It would not be use for repossession, wrecked or sale of vehicles. Staff would be monitoring this area and is recommending approval of the request subject to the following: (1.) Pave the vehicle storage area with asphalt or concrete; (2) Provide a 6 ft. solid fence in the rear of the property; (3). Provide the required 10% landscaping of the site area; and (4.) Compliance with the requirements administered by the Planning & Zoning, Engineering, Fire Prevention, and Building Inspections Departments.

Mayor Pro-Tem Mezmar stated the asphalt that was laid on the property looked more like it was just slapped on and not properly placed.

Mr. Gonzalez responded Mr. Rodriguez started paving the area, but the City told him to stop paving until he applied for a building permit and submit plans for the paving, drainage, and any building he may have on site. This process is not covered by this SUP.

a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against could do.

Yolanda Shoffiet, resident of 258 Altas Palmas Drive, spoke in favor of the SUP.

There being no more comments, Mayor Boswell closed the public hearing.

b) Consideration and possible action to approve a Specific Use Permit (SUP) to allow an open air vehicle storage business in a General Retail (GR) District at the above described property.

Allison Bastian, Asst. City Attorney, read the caption of the ordinance.

Motion was made by Commissioner Leal and seconded by Mayor Pro-Tem Mezmar to approve the ordinance on first reading for a Specific Use Permit (SUP) to allow an open air vehicle storage business in a General Retail (GR) District located at 5959 W. Business 83, bearing a legal description of Lot 1, Block 1 of Madero Subdivision. Motion carried unanimously.

9) Public hearing to consider an ordinance on first reading for a Specific Use Permit (SUP) to allow a storage container in a Light Industry (LI) District located at 1106 Markowsky Avenue, bearing a legal description of 6.174 acres out of Block 143, Harlingen Land & Water Co. Subdivision. Applicant: Lilia Jones on behalf of the Humane Society of Harlingen.

Mr. Gonzalez stated Lilia Jones, on behalf of the Humane Society of Harlingen, was requesting a Specific Use Permit (SUP) for a storage container to place on the north side of Markowsky Avenue, approximately 560 feet east of N. Commerce Street. The zoning surrounding this property is Light Industrial (LI) District to the north, east, and west, and Single Family Residential (R1) District to the south which consist of general commercial and residential. The Humane Society of Harlingen leased a container and is currently located in the property to store goods, equipment, and other items needed for daily operations. The request was reviewed by Building Inspections, Engineering, and Fire Prevention Departments and recommend approval. No opposition was received from the surrounding property owners. The City Commission may impose requirements and conditions as needed to ensure that a use requested by a SUP is compatible and complementary to adjacent properties. Staff recommends approval of the request subject to the following: 1) the SUP will be limited to ninety days; 2) the storage container must be located in the rear of the property and screened with a 8 ft. solid fence; and 3) compliance of the requirements administered by the Planning & Zoning, Engineering, Fire Prevention, and Building Inspections Departments must be met.



a) Public Hearing

Mayor Boswell announced this was a public hearing and anyone wishing to speak for or against could do. There being no comments, Mayor Boswell closed the public hearing.

b) Consideration and possible action to approve a Specific Use Permit (SUP) to allow a storage container in a Light Industry (LI) District at the above described property.

Ms. Bastian read the caption of the ordinance.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to approve the ordinance on first reading for a Specific Use Permit (SUP) to allow a storage container in a Light Industry (LI) District located at 1106 Markowsky Ave. bearing a legal description of 6.174 acres out of Block 143, Harlingen Land & Water Co. Subdivision. Motion carried unanimously.

10) Consideration and possible action to approve the renewal of a MOU between Texas A&M Engineering Extension Service (TEEX), Texas Task Force One (TX-TF1) and Fire Department member (Adrian Perales) and the City of Harlingen Fire Department and authorize the City Manager to sign the MOU.

Eddie Alvarez, Asst. Fire Chief, stated the MOU with Texas A&M Engineering Extension Service (TEEX), Texas Task Force One (TX-TF1) defines the responsibilities and procedures for Urban Search and Rescue activities under the authority of the State of Texas Emergency Management Plan between the Texas A&M Engineering Extension Services and the City of Harlingen. Urban Search and Rescue performs at the request of the State and Federal government. The City of Harlingen has assigned Adrian Perales, Fire Fighter to train for activities in conjunction with or in preparation of a state or federal declaration of a disaster. Training activities are mandated by the Department of Homeland Security to keep Texas Task Force 1 in operational readiness. Staff recommends approval of the MOU with an expiration date of 2023.

Motion was made by Commissioner Uribe and seconded by Mayor Pro-Tem Mezmar to approve the renewal of a MOU between the City of Harlingen and Texas A&M Engineering Extension Service (TEEX), Texas Task Force One (TX-TF1) and assign (Adrian Perales, Fire Fighter as Fire Dept.'s member) and authorize the City Manager to sign the MOU. Motion carried unanimously.

11) Board Appointments

Commissioner Puente reappointed the following individuals to the following boards.

Robert Salmeron	Senior Citizens Advisory Board;
Michael Murphy	Utility Board of Trustee;
Tina Puente	Community Development Advisory Board; and
Yvonne Gonzales	Library Advisory Board.

Mayor Pro-Tem Mezmar appointed Chris Bartnesky to the Utility Board of Trustees.

Motion was made by Commissioner Leal and seconded by Commissioner Puente to approve the reappointments and appointment made by Commissioner Puente and Mayor Pro-Tem Mezmar to the above mentioned boards. Motion carried unanimously.

12) Executive/Closed Session on the following items:

- a) pursuant to Tex. Gov't Code Sec. 551.072 regarding the lease of real property, located at Boxwood Street and adjacent to the Arts and Heritage Museum from TSTC.
- b) pursuant to Tex. Gov't Code Sec. 551.071(2) to receive legal advice; pursuant to Texas Gov't Code 551.072 regarding the purchase, lease, or value of real property and Texas Gov't Code 551.087(1) to discuss an deliberate commercial financial information regarding economic development negotiations; concerning the conveyance and operation of the University Articulation and Career Center at TSTC.

At 5:58 p.m., Mayor Boswell announced the City Commission would convene into executive session to discuss Item 12 (a & b).

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to convene into executive session to discuss Item No. 12 (a & b). Motion carried unanimously.

At 6:12 p.m., Mayor Boswell announced the City Commission had completed its executive session and declared the meeting open to the public.

- 13) Consideration and possible action to approve Item No. 12 (a) as discussed in executive session.

Motion was made by Commissioner Leal and seconded by Commissioner Uribe to approve the lease agreement as discussed in executive session. Motion carried unanimously.

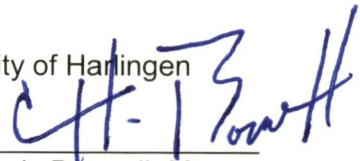
- 14) Consideration and possible action to approve Item No. 12(b) as discussed in executive session.

Motion was made by Commissioner Puente and seconded by Commissioner Leal to approve the amendment to the EDC and TSTC Agreement as discussed in executive session. Motion carried unanimously.

- 15) Citizen Communication  
None

There being no further business to discuss, Mayor Boswell adjourned the meeting.

City of Harlingen

  
Chris Boswell, Mayor

ATTEST:

  
Amanda C. Elizondo, City Secretary